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REMARKS

The rejection of claims 1 – 62 is respectfully traversed in view of the amendments to the claims and for the reasons set forth herein. Thus, independent claims 1, 6, 29, 32, 36, 52, 55 and 58 – 60 are amended to further emphasize alternate processing that may be invoked during the silent prompting period following a message indicative of an otherwise default processing option such as dialing or placing a call using a listed telephone number. Thus, claims 1, 6, 29, 32, 52, 55 and 58 – 60 specify that the alternate action include at least one of the following actions, or actions similar thereto:

(a) announcing one of the telephone numbers associated with the selected subscriber,

(b) providing an alternate telephone number for the subscriber,

(c) receiving a message for the subscriber, and

(d) processing a voice mail for the selected subscriber.

These actions are described in the specification at, for example, page 8, lines 14 – 17, page 13, lines 19 – 22, page 14, lines 8 – 21. See also original claims 25 – 27.

Claim 36 is amended to present an alternative description of these actions, characterizing the alternate processing as "support[ing] alternative establishment of communication with said selected one of said subscribers using means other than calling the telephone number corresponding to the selected one of said subscribers" in contrast to the default action of "calling the telephone number corresponding to the selected one of said subscribers...". As the language describing the alternate processing is a generalization of the specific actions detailed in the application as originally filed, the amended language is believed to be supported by the disclosure as filed and no new matter has been added.

Dependent claims 4, 9, 31, 39, and 57 are completely rewritten to emphasize the alternative language and/or phraseology that may be pseudorandomly selected by the claimed systems and methods. See, for example, the specification at page 7, lines 20 – 21, page 8, line 29 – page 9, line 7, and page 10, lines 3 – 14. Note that, while the claims use the term "pseudorandom" this is intended to include pseudorandom and equivalent selection methods and techniques.

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In response to the rejection of claims 1 – 62 over or in view of Barkat et al, U.S. Patent No. 5,805,672, it is believed that the cited reference fails to describe or suggest the claimed invention. For example, Barkat fails to describe or suggest an operational voice dialing mode providing a pause or delay during which alternate processing may be initiated instead of default dialing of an identified telephone number. While Barkat provides for "next" and "cancel" commands, both aborting dialing, neither command implements alternate processing in connection with the identified subscriber. See for example Barkat at column 5, lines 32 – 40 describing that the user may "interrupt the [dialing] procedure" but failing to provide for any pause or delay in processing. The 3 second pause mentioned at column 5, lines 16 – 20 as cited by the Examiner is not provided as a pause to allow a user to initiate alternate processing but as a timeout during which the Barkat system is waiting for an input and, if none is received, again prompts the user. This is substantially different than a delay according to Applicant's invention in which a default processing is held in abeyance and, only upon expiration of that period is the default processing initiated. However, in spite of this clear distinction, for the purpose of expediting allowance of the pending claims and without disclaimer or prejudice to include claims of the same, broader or different scope than those originally filed or otherwise supported by the present disclosure in a continuing application, the present claims are amended as described above to emphasize that the claimed alternate processing is different than a mere abort command.

Thus, for the reasons presented above, independent claims 1, 6, 29, 32, 36, 52, 55 and 58 – 60 describe subject matter neither taught nor suggested by the applied art and are therefore patentable thereover. The dependent claims recite additional subject matter not taught or suggested by the applied art and are therefore likewise considered to be patentably distinguishable thereover. For example, dependent claims 2, 7, 18, 33, 37, 48 and 53 recite (as do independent claims 29, 55 and 60) that the silent delay period be in a range of 1.2 to 2.3 seconds, while dependent claims 3, 8, 19, 34, 38, 49, 54 and 56 further limit the period to a range of 1.5 to 2.0 seconds. While the Examiner takes the position that Barkat describes a period of "within 3 seconds" in which to receive a response, this period is both functionally and literally nonequivalent. As previously described, the 3 second timeout of Barkat is used to receive a response and, if no response is received, the system issues another prompt to the user to provide a response or, after several unsuccessful attempts, aborts processing. The 3 second timeout is

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never used to implement alternate processing in response to a spoken input command. Further, Barkat's 3 second timeout is not a range but an fixed value; not only is there no teaching or suggestion of a period of 1.2 to 2.3 or 1.5 to 2.0 seconds, but Barkat teaches away from using anything shorter. In fact, using a shorter delay might well render Barkat inoperative since it may provide insufficient time for a user to recognize that the system is waiting for a response. In sharp contrast, Applicant teaches a delay period less than Barkat's 3 seconds to avoid giving the user the perception of a system delay:

> *The selection of an appropriate silent delay period has been found to be critical to user acceptance of the system. Delay periods of less than 1.2 to 1.5 second have been found to be inadequate to signal a user that the system is available to receive an input and provide sufficient reaction time for the user to · initiate the request, i.e., speak the alternate command word or words. On the other hand, silences of greater then 2.0 to 2.3 seconds are perceived as processing delays and are unacceptable, particularly to users who are not requesting alternate processing. Accordingly, a silent delay period should be in the range of 1.2 to 2.3 seconds and preferably in the range of 1.5 to 2.0 seconds, the optimal delay being 1.8 seconds. Use of a silent delay in these time ranges results in no perceptible or at least an acceptable delay while providing sufficient opportunity for those users requiring alternative processing to initiate the appropriate actions.*

Specification at page 8, lines 18 – 28.

Certainly, a teaching of 3 seconds cannot anticipate either a range of 1.2 to 2.3 or 1.5 to 2.0 second or a value of 1.8 seconds, nor can it render such ranges and values obvious for the reasons presented above.

In connection with dependent claims 4, 9, 31, 39, and 57, the applied art also fails to describe or suggest [pseudo-]randomly selecting one of a group of content equivalent messages to be played. This feature of the invention provides for a more natural interface incorporating normal variations in phraseology and wording typical of a human operator or representative:

> *Stored voice messages 122 are arranged in groups of content equivalent prompts or messages. All of the prompts within a group are interchangeable, conveying substantially the same substance but with variations in wording and/or phraseology and sentence structure to mimic normal variations in human speech. For example, a message group may include five suitable system greetings that*

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might be played to a user when a call is first answered. One prompt may include "Bell Atlantic, who would you like to call?"; a second prompt might be "This is Bell Atlantic, who would you like to call?"; a third prompt "Corporate dialing, who would you like to call?"; a fourth prompt "This is the corporate dialer, who would you like to call?"; and a fifth "Bell Atlantic here, who would you like to call?". Similarly, other message groups would include appropriate messages or prompts to be used in a particular situation, each of the prompts within a particular group being interchangeable with substantially the same content, i.e., content equivalent prompts.

Specification at page 10, lines 3 – 14.

For the reasons present above, all dependent claims describe additional subject matter not taught or suggested by the applied art and are thereby considered to be patentably distinct thereover.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no fee is due with this response. However, if any other extension of time under 37 C.F.R. §1.136 is required the petition is hereby made. Further, if any other or additional fee is due, please charge our Deposit Account No. 07-2347 from which the undersigned is authorized to draw and please credit any excess fees to such deposit account.

Respectfully submitted,

Joel Wall Reg. No.25,648

Verizon Corporate Services Group
600 Hidden Ridge Drive
Mail Code: HQE03H14
Irving, Texas 75038
(972) 718-4800
CUSTOMER NO. 32127

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